

REMARKS

Claims 1-11 were pending. Claims 2, 6, 7 and 9 have been canceled herein. Thus, claims 1, 3-5, 8, 10 and 11 are now pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

Claims 1-4 and 6-7 were rejected under 35 USC 102(b) as being allegedly anticipated by Yatsuzuka, et al., U.S. Patent No. 6,138,459 (hereinafter “Yatsuzuka ‘459”). Claims 2, 6 and 7 are canceled herein and will not be discussed. The applicants respectfully request that this rejection be withdrawn for the following reasons.

Claim 1 is amended herein to include the features of claim 7 already examined in connection with claim 7 as originally submitted. Claims 3 and 4 are amended to depend from claim 1. In making the rejection, the Examiner cites, *inter alia*, permanent magnets 122 of Yatsuzuka ‘459 as amounting to the first permanent magnets as claimed. Applicants respectfully disagree.

Applicants submit that Yatsuzuka ‘459 fails to disclose first permanent magnets disposed *around* a center axis of a movable core *between* magnetic inductors and polarized in directions *perpendicular* to radial directions of said movable core to polarize the magnetic inductors as claimed. Rather, Yatsuzuka ‘459, at best, describes permanent magnets 122 disposed in a diametrical line passing through the center axis of the movable core as is clearly shown, for example, in Figures 3 and 7-9. Thus, regardless of the polarization of permanent magnets 122, which at best is in a direction parallel with the diametrical line, Yatsuzuka ‘459 necessarily fails

to disclose permanent magnets *disposed around a center axis* of a movable core between magnetic inductors and polarized in directions perpendicular to radial directions of the movable core to polarize the magnetic inductors as claimed. Reference, for example, to Figure 3 of Applicants' specification clearly reveals the direction of polarization in contrast to the permanent magnet of Yatsuzuka '459.

Applicants importantly note that in the IDS submitted with the filing of the present application, on July 24, 2003, a document was cited and indicated considered by the Examiner. The same document was cited in a PTO form 892 submitted with the Office Action mailed April 20, 2005. The document, U.S. Patent No. 6,499,972 B1 was issued to Shinichi Yatsuzuka et al., including Yasumasa Hagiwara, both of whom were inventors in the Yatsuzuka '459 patent, which is applied in the present rejection. Applicants also note that since Shinichi Yatsuzuka and Yasumasa Hagiwara are the inventors in the present application, they are intimately familiar with the limitations posed by previous efforts and the advantages posed by the novel features recited herein.

A careful discussion of Yatsuzuka '972 was provided in the Background of the Invention in the Description of Related Art section. Also in Yatsuzuka '972, which issued after Yatsuzuka '459, the inventors carefully describe the drawbacks associated with the prior art as shown in Figure 8 thereof. Further careful review reveals that the prior art of Figure 8 in Yatsuzuka '972 is identical to the configuration of the permanent magnets 122 shown for example in Figure 3 Yatsuzuka '459. Figure 8 of Yatsuzuka '972 and Figure 3 of Yatsuzuka '459 are virtually identical.

Accordingly, the description of the disadvantages of the prior art configuration, e.g. the configuration of permanent magnets 122 shown in Figure 3 of Yatsuzuka '459, as described in

connection with Figure 8 of Yatsuzuka '972, includes the disadvantage that insufficient flux density was developed in prior art compressors due to the placement of the permanent magnets 122 in the center portion of the piston rod (see, Yatsuzuka '972 col. 1, lines 42, 43). Thus, whatever magnetic polarization may exist in the permanent magnets 122 due to their relatively disadvantageous placement is known to be insufficient as compared to Yatsuzuka '972 and as compared to the claimed invention. Thus, in addition to the arguments provided herein, the differences between the configurations described in Yatsuzuka '972 and Yatsuzuka 459 (particularly as highlighted in Yatsuzuka '972), are fully treated in applicants' specification for example, on page 1 lines 14-27.

Accordingly, it is respectfully submitted that a *prima facie* case of anticipation cannot be sustained since the applied reference for at least the reasons set forth above, fails to disclose all the claimed features as required. It is respectfully requested that the rejection of claim 1 be reconsidered and withdrawn.

Claims 3 and 4, by virtue of depending from claim 1, are allowable for at least the reasons set forth herein above. It is respectfully requested that the rejection of claims 3 and 4 be reconsidered and withdrawn.

Claims 8-11 stands rejected under 35 USC 103(a) as being allegedly unpatentable over Yatsuzuka '459 in view of Yarr et al., U.S. Patent No. 5,389,844. The applicants respectfully request that this rejection be withdrawn for the following reasons.

Claim 9 is canceled herein and will not be discussed. Claims 8, 10 and 11 are amended herein to depend from claim 1. Accordingly, claims 8, 10 and 11 are allowable for at least the reasons set forth hereinabove with regard to claim 1. It is respectfully requested that the rejection of claims 8, 10 and 11 be reconsidered and withdrawn.

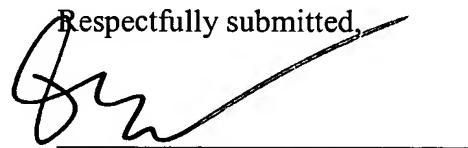
Claims 5 stands rejected under 35 USC 103(a) as being allegedly unpatentable over Yatsuzuka '459 in view of Hazleton, U.S. Patent No. 6,313,551. The applicants respectfully request that this rejection be withdrawn for the following reasons.

Claim 5 is amended herein to depend from claim 1. Accordingly, claim 5 is allowable for at least the reasons set forth hereinabove with regard to claim 1. It is respectfully requested that the rejection of claim 5 be reconsidered and withdrawn.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



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